

**Mock Elections**

**Classroom  
Curriculum**



**VOTE**

## The Expansion of Voting Rights: Lesson Overview

By examining the expansion of the right to vote, the following activity highlights the notion of the United States Constitution as a living document. Eight of the seventeen amendments adopted since the ratification of the Bill of Rights have involved voting rights. Numerous Supreme Court decisions as well as federal legislation (most notably the Voting Rights Act) have attempted to break down barriers to voting.

This lesson is designed as an introductory activity to provide students with an overview of the historical development of voting rights. In addition, the activity provides students with the opportunity to begin exploring what the right to vote means in America.

### Objectives

At the end of this lessons, students will be able to:

- identify specific examples of 'voting qualifications' used by states in America's history to deny the right of minorities to vote;
- analyze specific historical examples in terms of their restriction on the right to vote;
- appreciate the expansion of the right to vote through constitutional amendments, Supreme Court decisions, and the Voting Rights Act.

### Method

1. Introduce the topic of voting rights, stressing its historical development.
2. Distribute copies of the **Handout on the Right to Vote** and ask students to read the first paragraph on the law and its legislative history.
3. Divide the class into small groups (three to five students) and ask each group to decide whether or not the action in each example is a denial of the right to vote. Tell each group that it will be expected to give reasons for each of its answers. Groups may wish to appoint one spokesperson for the entire exercise or may wish to have a different spokesperson provide the answer and an accompanying rationale for each case study. Allow 10 minutes for groups to reach their decisions.
4. Record each group's responses on the board and note groups' rationales where appropriate.
5. Debrief the activity by reviewing the actual outcome of each case as well as its basis (e.g., constitutional amendment, Voting Rights Act, Supreme Court decision). The outcome of examples one, two and four will probably not generate a great deal of controversy. Tell students that that the basis for each of these cases is relatively recent. Examples three and five should generate class discussion. You may wish to share **Handout 2 (Answer Key)** with students at this time.
6. You may also wish to guide this discussion to a more general question of what the right to vote means. Additional debriefing or follow-up lessons can focus on current controversies relating to voting, such as how to conduct the census, apportionment as a way of increasing minority representation, techniques of making registration easier (such as motor-voter), etc.
7. Another follow-up activity is to have students read excerpts from the Voting Rights Act and/or selected Supreme Court decisions (recommended: *South Carolina v. Katzenbach*, 383 U.S. 301, 1966).

*This article was written by Richard Roe and Peter deLacy, attorneys/educators on the staff of the National Institute for Citizen Education in the Law; it first appeared in Update on Law-Related Education, published by the American Bar Association.*

# The Expansion of Voting Rights Lesson: Answer Key

## Voting Rights Exercise: Answer Key

This may be used as the answer key for The Right to Vote handout.

1. The Twenty-sixth Amendment to the United States Constitution, adopted in 1971, guarantees the right to vote to citizens who are eighteen years and older.
2. The U.S. Supreme Court in *Harper v. Virginia State Board of Elections*, 383 U.S. 663 (1966), struck down a similar poll tax as a violation of the equal protection clause of the Fourteenth Amendment. The Court said, "Voter qualifications have no relation to wealth nor to paying or not paying this or any other tax." The Twenty-fourth Amendment abolished poll taxes in all federal elections.
3. This case is based on *Richardson v. Ramirez*, 418 U.S. 24 (1974), in which the Supreme Court held that the equal protection clause of the Fourteenth Amendment does not prohibit a state from disenfranchising convicted felons who had completed their sentence and paroles. The Court relied heavily on Section Two of the Fourteenth Amendment, which allows for the abridgement of the franchise for "participation in rebellion or other crime."
4. The Voting Rights Act of 1965 (as amended in 1970, 1975 and 1982) bans literacy tests as a requirement of voting. The Supreme Court in *South Carolina v. Katzenbach* upheld the constitutionality of this provision of the Voting Rights Act.
5. The Supreme Court in *Dunn v. Blumstein*, 405 U.S. 330 (1972), struck down a Tennessee law similar to this example. The Court said that residency requirements were not valid "unless the State can demonstrate that such laws are 'necessary to promote a compelling government interest.'"

# The Expansion of Voting Rights Lesson: Handout

## The Right to Vote

Assume the United States Congress passed the following law: The right to vote shall not be denied." The report accompanying the legislation explains that Congress wanted to encourage the greatest amount of voter turnout and to eliminate discrimination on the basis of race and gender, since blacks and women had been denied the right to vote in the past. Moreover, the right to vote is a fundamental principle in our democratic form of government.

**Directions:** For each of the following examples, decide whether the law has been violated or not. Briefly explain your answer.

1. A state requires a person to be at least 21 years old to vote. Sandy Kent is 20 years old and is told she cannot vote.
2. A city charges a \$5.00 poll tax on all persons of voting age. Those who do not pay the tax cannot vote. The tax money is used to improve the school system in the city. Steve Eller does not pay the \$5.00 and is not allowed to vote.
3. A state passes a law that denies convicted felons the right to vote until five years after completion of their full sentences. Anita Jackson, serving a ten-year sentence for committing a felony, is told she cannot vote.
4. A state requires everyone who registers to vote to pass a literacy test. More difficult tests are given to blacks than to whites. 55% of the blacks fail the tests while only 10% of the whites fail. David Anderson, an African-American man who failed the test, is not allowed to vote.
5. A state requires a person to be a resident for at least a year before he or she can vote. Dana Brown has been a resident for six months and is not allowed to vote.

*Adapted from an article written by Richard Roe and Peter deLacy, attorneys/educators on the staff of the National Institute for Citizen Education in the Law; it first appeared in Update on Law-Related Education, published by the American Bar Association..*